

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE JANUARY 13, 2006

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 403

Introduced by Senator Machado

February 17, 2005

An act to add Article 3.5 (commencing with Section 8670.24.1) to Chapter 7.4 of Division 1 of Title 2 of the Government Code, relating to harbors and navigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 403, as amended, Machado. Chemical Tanker Task Force.

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, establishes the Office of Oil Spill Prevention and Response, which is responsible for the prevention of and response to oil spills in the waters of the state.

The bill would require the administrator to seek funding for the task force's activities from the federal Department of Homeland Security or other funding sources that are not providing funds to the office as of January 1, 2007. This bill would require the administrator of the office to convene, ~~on or before March 1, 2007~~ within 6 months of receiving funds from funding sources that are not providing funds to the office as of January 1, 2007, the Chemical Tanker Task Force, which the bill would create, to gather information and make recommendations regarding chemical tankers carrying hazardous materials that enter, leave, or navigate the waters of the state. The bill would require the administrator to submit, within 18 months of

~~convening of the task force, to the Legislature on or before July 1, 2008; a report on chemical tankers with information, as specified. The bill would require the administrator to seek funding for the task force's activities from the federal Department of Homeland Security or other funding sources that are not providing funds to the office as of January 1, 2007.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section
2 8670.24.1) is added to Chapter 7.4 of Division 1 of Title 2 of the
3 Government Code, to read:

4
5 Article 3.5. Chemical Tanker Task Force
6

7 8670.24.1. The Legislature finds and declares all of the
8 following:

9 (a) Currently, tanker ships carrying hazardous materials, such
10 as poisonous gas, flammable liquids, radioactive materials,
11 explosives, and other dangerous chemicals, are not regulated by
12 the Office of Oil Spill Prevention and Response.

13 (b) According to the San Francisco Marine Exchange, the
14 number of chemical tankers entering San Francisco Bay has
15 nearly tripled to 171 in 2003.

16 (c) Over the past nine years, U.S. Coast Guard statistics
17 indicate that there have been at least 23 incidents involving
18 chemical tankers in the San Francisco Bay.

19 (d) Enhancement of security strategies that take into account
20 the efficient movement of goods while safeguarding the state
21 requires a coordinated approach.

22 (e) Currently there is no state agency monitoring the
23 movement of hazardous materials via waters of the state.

24 8670.24.2. Unless the context otherwise requires, for the
25 purposes of this article, the following terms have the following
26 meanings:

27 (a) "Chemical tanker" means a vessel carrying hazardous
28 materials, excluding a "large passenger vessel" or "vessel" as

1 defined pursuant to subdivision (f) of Section 72410 of the Public
2 Resources Code.

3 (b) “Hazardous materials” has the meaning set forth in
4 subdivision (o) of Section 25501 of the Health and Safety Code.

5 (c) “Specific hazardous materials” means hazardous materials
6 determined by the task force to pose a significant risk to public
7 health and safety, and the environment if released from a vessel
8 based upon their hazardous classification or quantity, or both.

9 (d) “Waters of the state” means “coastal waters” as that term is
10 defined in paragraph (1) of subdivision (a) of Section 13181 of
11 the Water Code.

12 8670.24.3. The Chemical Tanker Task Force is hereby
13 created in state government to gather information and to make
14 recommendations regarding chemical tankers entering, leaving,
15 or navigating in the waters of the state that are carrying
16 hazardous materials in a sufficient quantity that a release from
17 the chemical tanker into the environment would pose a risk to
18 public health and safety or the environment.

19 8670.24.4. (a) ~~On or before March 1, 2007~~ *Within six months*
20 *of the receipt of funds pursuant to subdivision (b) of Section*
21 *8670.24.8*, the administrator shall convene the task force, which
22 shall consist of representatives from the Office of Oil Spill
23 Prevention and Response Technical Advisory Committee, a
24 harbor safety committee, the State Lands Commission, the
25 Department of Toxic Substances Control, the Office of
26 Emergency Response, the Office of Homeland Security, and any
27 other state agency that the administrator determines to be
28 appropriate.

29 (b) The administrator shall request the U.S. Coast Guard to
30 participate as a member of the task force.

31 8670.24.5. The task force shall do both of the following:

32 (a) Consult with or invite the participation of other relevant
33 federal, state and local agencies, as well as nonprofit agencies
34 and industry.

35 (b) Establish a process for receiving comments from the public
36 on matters to be considered by the task force.

37 8670.24.6. Meetings and deliberations of the task force shall
38 comply with the Bagley-Keene Open Meeting Act (Article 9
39 (commencing with Section 11120) of Chapter 1 of Part 1 of
40 Division 3).

1 8670.24.7. ~~On or before July 1, 2008~~ *Notwithstanding Section*
2 *7550.5 of the Government Code, within 18 months of the*
3 *convening of the task force pursuant to subdivision (a) of Section*
4 8670.24.4, the administrator shall submit to the Legislature a
5 report on chemical tankers, the labeling, handling, stowage, and
6 carriage of hazardous materials by vessels, based on information
7 gathered by the task force, that includes all of the following:

8 (a) A summary of all federal, state, local, and international
9 statutes and regulations related to chemical tankers; reporting
10 procedures for chemical tanker spills and accidents; chemical
11 tanker spill and accident prevention and response plans; and
12 plans to safeguard chemical tankers in state waters, harbors, and
13 ports from terrorist attacks.

14 (b) A listing of chemical tankers or chemical tanker types
15 carrying sufficient quantities of specific hazardous materials such
16 that a release from those vessels into the environment would pose
17 a significant risk to public health and safety, and the
18 environment. These vessels will be identified as high risk vessels.

19 (c) An inventory of the types of high risk vessels, the number
20 and names of high risk vessels in the waters of the state, the
21 movement of high risk vessels, the size and cargo capacity for
22 specific hazardous materials of high risk vessels, and their hull
23 design.

24 (d) The volumes of hazardous materials transported by high
25 risk vessels, purposes of the transportation, and the ports of
26 destination and departure of the hazardous materials.

27 (e) A summary of marine casualties, collisions, accidents, near
28 misses, and potential risks of collision or accident in the waters
29 of the state involving high risk vessels. The summary shall
30 include both of the following:

31 (1) A review of at least 10 years worth of full incident and
32 marine casualty reports.

33 (2) A summary of existing and projected increases in vessel
34 traffic of all types in the waters of the state and how this may
35 impact the potential risk of collisions or accidents involving high
36 risk vessels.

37 (f) An analysis of the benefits and costs, including analysis of
38 purpose, feasibility, and other risks, of requiring the use of tug
39 escorts for high risk vessels in the waters of the state.

1 (g) Any other information or recommendations from the task
2 force relevant to the prevention of and response to spills and
3 accidents involving high risk vessels.

4 8670.24.8. (a) The administrator shall seek funding for
5 activities of the task force from the federal Department of
6 Homeland Security or other funding sources that are not
7 providing funds to the Office of Oil Spill Prevention and
8 Response as of January 1, 2007.

9 (b) *The administrator shall not convene the task force unless*
10 *he or she receives funds pursuant to subdivision (a).*